
**PART V—IMPORT AND EXPORT CONTROLS AND
RELATED MATTERS**

[As Amended Through P.L. 107-223, August 21, 2002]

EXPLANATORY NOTE

This part of the compilation contains various laws relating to import and export controls which govern or affect certain programs and functions of the Department of Agriculture.

SUBPART A. IMPORT CONTROLS

See also section 414 of the Agricultural Trade Act of 1978, printed in section 1 of part 2 of this compilation.

1. GENERAL AUTHORITY

a. Voluntary Agreements

AGRICULTURAL ACT OF 1956

SEC. 204.²⁰⁴⁻¹ [7 U.S.C. 1854] The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issued regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement. In addition, if a multilateral agreement, including but not limited to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Implementation Act, has been or is concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the President may also issue, in order to carry out such agreement, regulations governing the entry or withdrawal from warehouse of the same articles which are the products of countries not parties to the agreement, or countries to which the United States does not apply the agreement.²⁰⁴⁻² Nothing herein shall affect the authority provided under section 22 of the Agricultural Adjustment Act (of 1933) as amended.

b. Import Fees and Limitations

AGRICULTURAL ADJUSTMENT ACT

SEC. 22.²²⁻¹ [7 U.S.C. 624] (a) Whenever the Secretary of Agriculture has reason to believe that any article or articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with, any program or operation undertaken under this title or the Soil Conservation and

²⁰⁴⁻¹ Pub. L. 84-540, 70 Stat. 200, May 28, 1956.

²⁰⁴⁻² This sentence was originally added by the Act of June 19, 1962, Pub. L. 87-488, 76 Stat. 104, and amended in its entirety by section 332 of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4947, Dec. 6, 1994. Section 335 of the Act provides that the amendment made by section 332 of the Act shall take effect on the date on which the WTO Agreement enters into force with respect to the United States.

²²⁻¹ See also section 202(a) of the Agricultural Act of 1956. Section 22 was added by section 31 of the Act of August 24, 1935, Pub. L. 74-320, 49 Stat. 773, and reenacted by section 1 of the Agricultural Marketing Agreement Act of 1937, Pub. L. 75-137, 50 Stat. 246, June 3, 1937. As originally enacted, action under this section could be taken only with respect to articles the importation of which was found to be adversely affecting programs or operations under the Agricultural Adjustment Act of 1933. Section 22 has been amended several times and was revised in its entirety by section 3 of the Agricultural Act of 1948, Pub. L. 80-897, 62 Stat. 1247, and again by section 3 of the Act of June 28, 1950, Pub. L. 81-578, 64 Stat. 261. Regulations governing investigations under this section are set forth in 19 CFR 201, 204.

Domestic Allotment Act, as amended, or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, or any loan, purchase, or other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken, he shall so advise the President, and, if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts. Such investigation shall be made after due notice and opportunity for hearing to interested parties, and shall be conducted subject to such regulations as the President shall specify.

(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such fees not in excess of 50 per centum ad valorem or such quantitative limitations on any article or articles which may be entered, or withdrawn from warehouse, for consumption as he finds and declares shown by such investigation to be necessary in order that the entry of such article or articles will not render or tend to render ineffective, or materially interfere with, any program or operation referred to in subsection (a) of this section, or reduce substantially the amount of any product processed in the United States from any such agricultural commodity or product thereof with respect to which any such program or operation is being undertaken; *Provided*, That no proclamation under this section shall impose any limitation on the total quantity of any article or articles which may be entered, or withdrawn from warehouse, for consumption which reduces such permissible total quantity to proportionately less than 50 per centum of the total quantity of such article or articles which was entered, or withdrawn from warehouse, for consumption during a representative period as determined by the President: *And provided further*, That in designating any article or articles, the President may describe them by physical qualities, value, use, or upon such other bases as he shall determine.

In any case where the Secretary of Agriculture determines and reports to the President with regard to any article or articles that a condition exists requiring emergency treatment, the President may take immediate action under this section without awaiting the recommendations of the Tariff Commission, such action to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President.²²⁻²

(c) The fees and limitations imposed by the President by proclamation under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be therein specified, and such fees shall be treated for administrative purposes and for the purposes of section 32 of Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, as duties imposed by the Tariff Act of 1930, but such fees shall not be considered as duties for the purpose of granting any

²²⁻² Paragraph added by section 104 of the Trade Agreements Extension Act of 1953, Pub. L. 83-215, 67 Stat. 472, Aug. 7, 1953.

preferential concession under any international obligation of the United States.

(d) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of this section, any proclamation or provision of such proclamation may be suspended or terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exist or may be modified by the President whenever he finds and proclaims that changed circumstances require such modification to carry out the purposes of this section.

(e) Any decision of the President as to facts under this section shall be final.

(f) ²²⁻³ No quantitative limitation or fee shall be imposed under this section with respect to any article that is the product of a WTO member (as defined in section 2(10) of the Uruguay Round Agreements Act).

2. COMMODITY LIMITATIONS

a. Meat Imports

PUBLIC LAW 88-482 ¹⁻¹

AN ACT To provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products

SEC. 1. (Amendments to Title I of the Tariff Act of 1930.)

[SEC. 2. ²⁻¹ [19 U.S.C. 2253 note]]

²²⁻³ Section 401(a)(1) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended subsection (f) in its entirety. Section 401(a)(2) of the Act provides that the amendment made by section 401(a)(1) of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States, except that with respect to wheat, that amendment shall take effect on the later of such date or September 12, 1995. Previously, the provisions of this subsection (f) were substituted for earlier provisions by section 8(b) of the Trade Agreements Extension Act of 1951, Pub. L. 82-50, 65 Stat. 75, June 16, 1951, and the language following "section" to the end of the sentence was added by section 101(b) of the United States-Canada Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449, 102 Stat. 1852, Sept. 28, 1988.

¹⁻¹ 78 Stat. 594, Aug. 22, 1964.

²⁻¹ The Meat Import Act of 1979 (19 U.S.C. 2253 note) (this section) was repealed by section 403 of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4959, Dec. 6, 1994. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States. For the previous version of this section, see p. 10-5 to 10-9 of the Compilation of Laws Relating to Agricultural Trade, as of November 2, 1994. Previously, this section was amended by the following Acts:

(1) Section 704 of Pub. L. 96-39, 93 Stat. 273, July 26, 1979.

(2) Pub. L. 96-177, 93 Stat. 1291, Dec. 31, 1979;

(3) Section 1214(u) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1162, Aug. 23, 1988.

(4) Sections 201(b) and 301(b) of the U.S.-Canada Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449, 102 Stat. 1867, Sept. 28, 1988.

b. Cheese Imports

TRADE AGREEMENTS ACT OF 1979⁷⁰¹⁻¹

TITLE VII—CERTAIN AGRICULTURAL MEASURES

[SEC. 701.⁷⁰¹⁻² [19 U.S.C. 1202 note]]

SEC. 702. [19 U.S.C. 1202 note] ENFORCEMENT.⁷⁰²⁻¹

(a) DETERMINATION AND LISTING OF SUBSIDIES.—

(1) INITIAL DETERMINATION AND ANNUAL LISTING.—Not later than January 1, 1980, the administering authority shall—

(A) determine, in consultation with the Secretary, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, and

(B) publish a list of the type and the amount of each such subsidy which is determined to exist.

Not later than January 1 of each year beginning with 1981, the administering authority shall republish such list, incorporating the changes and additional subsidies determined for the preceding calendar year under paragraph (2).

(2) QUARTERLY DETERMINATION OF CHANGES AND ADDITIONAL SUBSIDIES.—Not later than April 1, July 1, and October 1 of each year beginning with 1980, and not later than January 1 of each year beginning with 1981, the administering authority shall determine, in consultation with the Secretary—

(A) whether any changes in the type or amount of any subsidy included in the current annual list under paragraph (1) (as modified by quarterly lists under this paragraph) have occurred, and

(B) whether any subsidy not included in such list is being provided with respect to any article of cheese subject to an in-quota rate of duty by a foreign government, and the type and amount of any such subsidy which is determined to exist.

Not later than April 1, July 1, and October 1, the administering authority shall publish such changes and additional subsidies for the preceding calendar quarter.

(3) ADDITIONAL DETERMINATIONS.—Any person, including the Secretary, may request the administering authority to make a determination under subparagraphs (A) or (B) of paragraph (2). Not later than 30 days after receiving such a request, the administering authority shall (A) make the determination, in consultation with the Secretary, (B) notify the per-

⁷⁰¹⁻¹ Pub. L. 96-39, 93 Stat. 268, July 26, 1979.

⁷⁰¹⁻² Section 701 was repealed by section 402(a) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States. For the previous version of this section, see p. 10-9 to 10-10 of the Compilation of Laws Relating to Agricultural Trade, as of November 2, 1994. Previously, section 1214(t)(1) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1161, Aug. 23, 1988, substituted a new amended subsection (c)(1).

⁷⁰²⁻¹ Section 402(c)(1) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this section by striking “of quota cheese” each place it appears and inserting “of cheese subject to an in-quota rate of duty”. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

son making the request of such determination, and (C) publish such modification, if any. Any such determination shall be in addition to the quarterly determinations required under paragraph (2). Requests made under this paragraph shall be supported by information reasonably available to the person requesting the determination.

(b) COMPLAINTS OF PRICE-UNDERCUTTING BY SUBSIDIZED IMPORTS.

(1) IN GENERAL.—Any person may make a written complaint to the Secretary alleging that—

(A) the price at which any article of cheese subject to an in-quota rate of duty is offered for sale in the United States on a duty-paid wholesale basis (hereinafter in this section referred to as the “duty-paid wholesale price”) is less than the domestic wholesale market price of similar articles produced in the United States, and

(B) a foreign government is providing a subsidy with respect to such article of cheese subject to an in-quota rate of duty.

(2) DETERMINATIONS.—

(A) The Secretary shall investigate and determine, not later than 30 days after receiving a complaint under paragraph (1), the validity of the allegations made under paragraph (1)(A).

(B) Except as otherwise provided in this subparagraph, the existence and the type and amount of any subsidy alleged under paragraph (1)(B) shall be determined by reference to the current list, as determined and published under subsection (a). If the complaint alleges a subsidy which is not included in such current list, or which is different in type or amount from a subsidy which is included in such current list, the Secretary shall immediately request the administering authority to make a determination with respect to the subsidy pursuant to subsection (a)(3). The administering authority shall make such determination in accordance with such subsection and shall report such determination to the Secretary.

(c) REPORTS OF DETERMINATIONS.—

(1) PUBLICATION.—The Secretary shall publish the determinations made under subsection (b) in the Federal Register not later than 5 days after the date on which the Secretary makes his determination under subsection (b)(2)(A).

(2) NOTIFICATION OF FOREIGN GOVERNMENT.—Whenever it is determined under subsection (b) that the duty-paid wholesale price of any article of cheese subject to an in-quota rate of duty is less than the domestic wholesale market price of a similar article produced in the United States and that a foreign government is providing a subsidy with respect to such article of cheese subject to an in-quota rate of duty, the Secretary shall immediately notify the the United States Trade Representa-

tive.⁴⁰²⁻² The United States Trade Representative⁴⁰²⁻³ shall notify the foreign government or governments involved of such determination not later than 3 days after the date on which the Secretary makes his determination under subsection (b)(2)(A).

(3) REPORT TO PRESIDENT.—If, within 15 days after receiving notification under paragraph (2), the foreign government does not eliminate the subsidy or take such action as may be necessary to ensure that the duty-paid wholesale price of the article of cheese subject to an in-quota rate of duty will not be less than the domestic wholesale market price of similar articles produced in the United States, the Secretary shall immediately—

(A) report the determinations under subsection (b) to the President, and

(B) recommend the imposition of a fee⁴⁰²⁻⁴ with respect to the importation of such article of cheese subject to an in-quota rate of duty from the country involved, in such amount as the Secretary determines necessary.

(d) PRESIDENTIAL ACTION.—

(1)⁴⁰²⁻⁵ IN GENERAL.—Not later than 7 days after receiving a report under subsection (c)(3) with respect to an article of cheese subject to an in-quota rate of duty (or not later than 3 days after receiving a report under paragraph (2) in any case in which such paragraph applies), the President shall proclaim the imposition of a fee on the importation of such article from the country involved in such amount (not to exceed the amount of the subsidy determined under subsection (b)(2)(B)) as may be necessary to ensure that the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, and shall direct the Commissioner of Customs to administer and enforce such fee. Any such fee imposed shall be in addition to any customs duty or other fee imposed by law.

(2) ADDITIONAL INVESTIGATION.—If the President finds that the determinations or recommendations of the Secretary reported under subsection (c)(3) are unsubstantiated by fact, he shall, not later than 7 days after receiving such report, notify the Secretary and direct him to make a further investigation. The Secretary shall, within 7 days of receiving such notification, make such investigation and report his findings to the President, including any modification in such determinations or recommendations. The President shall thereupon make the proclamation required by paragraph (1), unless the Secretary finds that there is no basis for the determinations or rec-

⁴⁰²⁻² Section 402(c)(2)(A) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this paragraph by striking “the Special Representative for Trade Negotiations” and inserting “the United States Trade Representative”. For effective date, see note 402-1.

⁴⁰²⁻³ Section 402(c)(2)(B) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this paragraph by striking “The Special Representative” and inserting “The United States Trade Representative”. For effective date, see note 402-1.

⁴⁰²⁻⁴ Section 402(c)(3) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this subparagraph by striking “or quantitative limitation”. For effective date, see note 402-1.

⁴⁰²⁻⁵ Section 402(b) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this paragraph in its entirety. For effective date, see note 402-1. For the previous version of this paragraph, see p. 10-12 of the Compilation of Laws Relating to Agricultural Trade, as of November 2, 1994.

ommendations reported under subsection (c)(3) whether or not modified.

(e) ADMINISTRATION.—Any fee⁴⁰²⁻⁶ proclaimed pursuant to subsection (d) and any termination or modification thereof pursuant to subsection (g) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date which is 3 days after the President makes the proclamation required by subsection (d). Such fees shall be treated for administrative purposes as duties imposed by the Tariff Act of 1930, but shall not be considered as duties for the purpose of granting any preferential concession under any law or international obligation of the United States.

(f) INAPPLICABILITY OF COUNTERVAILING DUTIES DURING EFFECTIVE PERIOD OF CHEESE AGREEMENTS.—No countervailing duty shall be imposed under title VII of the Tariff Act of 1930⁴⁰²⁻⁷ or under section 303 of the Tariff Act of 1930 (as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act)⁴⁰²⁻⁸ with respect to an article of cheese subject to an in-quota rate of duty which is the product of any country at any time during which an agreement relating to cheese described in section 2(c)(8) containing a commitment from a foreign government with respect to price undercutting is in effect between the United States and such country.

(g) TERMINATION OR MODIFICATION OF PRESIDENTIAL ACTION.—

(1) TERMINATION.—If, at any time after the President takes an action under subsection (d) with respect to the importation from a foreign country of an article of cheese subject to an in-quota rate of duty, the Secretary receives reasonable evidence and assurance that, with respect to future entries of such article into the customs territory of the United States—

(A) the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, or

(B) the foreign government will no longer provide a subsidy with respect to such article of cheese subject to an in-quota rate of duty,

the Secretary shall notify the President of such finding and the President shall, by proclamation, terminate such action with respect to the importation of such article from such country.

(2) MODIFICATION.—The Secretary shall recommend to the President such modifications of fees⁴⁰²⁻⁹ imposed under subsection (d) with respect to any article of cheese subject to an in-quota rate of duty as may be necessary to ensure that the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, and the President shall, by proclamation, make such modifications. The amount of any fee, as so

⁴⁰²⁻⁶ Section 402(c)(3) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this subsection by striking “or quantitative limitation”. For effective date, see note 402-1.

⁴⁰²⁻⁷ Section 402(c)(4)(B) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this paragraph by striking “under title I of this Act” and inserting “under title VII of the Tariff Act of 1930”. For effective date, see note 402-1.

⁴⁰²⁻⁸ Section 402(c)(4)(A) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this subsection by inserting “(as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act)” after “Tariff Act of 1930”. For effective date, see note 402-1.

⁴⁰²⁻⁹ Section 402(c)(5) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this paragraph by striking “or quantitative limitations”. For effective date, see note 402-1.

modified, shall not be greater than the amount of the subsidy provided by the foreign government with respect to the article of cheese subject to an in-quota rate of duty.

(b) DEFINITIONS.—For purposes of this section—

(1) ADMINISTERING AUTHORITY.—The term “administering authority” has the same meaning such term has in section 771(1) of the Tariff Act of 1930.

(2) SUBSIDY.—The term “subsidy” has the same meaning such term has in section 771(5) of the Tariff Act of 1930.

(3) DOMESTIC WHOLESALE MARKET, DOMESTIC WHOLESALE MARKET PRICE, AND DUTY-PAID WHOLESALE PRICE.—The domestic wholesale market and the domestic wholesale market price of any article similar to an article of cheese subject to an in-quota rate of duty, and the duty-paid wholesale price of any article of cheese subject to an in-quota rate of duty shall be determined under regulations prescribed by the Secretary not later than January 1, 1980, in accordance with chapter 5 of title 5 of the United States Code.

(4)⁴⁰²⁻¹⁰ CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY.—The term “cheese subject to an in-quota rate of duty” means the articles and the quantities of such articles provided for in the Additional U. S. Notes 14 through 23 of chapter 4 of Schedule XX (as defined in section 2(5) of the Uruguay Round Agreements Act).

(5)⁴⁰²⁻¹⁰ SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

c. Chocolate Crumb Imports

[SEC. 703.⁷⁰³⁻¹ [19 U.S.C. 1202 note]]

d. Extra Long Staple Cotton Imports

AGRICULTURAL ACT OF 1956

[SEC. 202.²⁰²⁻¹ [7 U.S.C. 1852]]

e. Upland Cotton Import Quotas

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

SEC. 1207.¹²⁰⁷⁻¹ [7 U.S.C. 7937] SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) COTTON USER MARKETING CERTIFICATES.—

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⁴⁰²⁻¹⁰ Section 402(c)(6) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended “Section 702(h)” by adding paragraphs (4) and (5). Since this section does not have a subsection (h), the amendments were executed to this subsection (vs. “Section 702(h)”) to effectuate the probable intent of Congress. For effective date, see note 402-1.

⁷⁰³⁻¹ Section 703 was repealed by section 402(a) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994. For effective date, see note 402-1. Previously, this section was amended by section 1214(t)(2) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1161, Aug. 23, 1988.

²⁰²⁻¹ Section 401(b)(1) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4957, Dec. 6, 1994, amended this section by striking subsection (a) and, in subsection (b), by striking “(b)”. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

¹²⁰⁷⁻¹ Pub. L. 107-171, 116 Stat. 161, May 13, 2002.

(b) SPECIAL IMPORT QUOTA.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of the enactment of this Act through July 31, 2008, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

(D) SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.

(E) DELAYED APPLICATION OF THRESHOLD.—Through July 31, 2006, the Secretary shall make the calculation under subparagraph (B) without regard to the 1.25 cent threshold provided under that subparagraph.

(2) QUANTITY.—The quota shall be equal to one week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent three months for which data are available.

(3) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (1) and entered into the United States not later than 180 days after the date.

(4) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (1), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (c).

(5) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(6) DEFINITION.—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 5 week’s consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(c) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) IN GENERAL.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) DEFINITIONS.—In this subsection:

(i) SUPPLY.—The term “supply” means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and
(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term “demand” means—

(I) the average seasonally adjusted annual rate of domestic mill consumption during the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) NO OVERLAP.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (b).

* * * * *

f. Sugar—CBI Countries and the Philippines

SEC. 583.⁵⁸³⁻¹ (a) For the purpose of this Act Congress finds that the cultivation and processing of sugar cane is a significant part of the economy of a number of friendly foreign nations that have traditionally exported raw sugar to the United States for refining and marketing. The sugar production and marketing policies of sugar exporting countries, other than the CBI and the Philippines, notably the EEC, has resulted in the surplus production of sugar and the dumping of sugar on world markets, thereby depressing prices to levels below the cost of production. Because of the changes occurring in the United States market for sweeteners, the export market for raw sugar produced in the CBI and Philippines has been severely restricted. In accordance with the purposes of this Act, efforts shall be made by the United States to provide assistance that helps to maintain a viable sugar industry in these countries. By conducting a special reexport program for sugar, effectively utilizing CCC-owned commodities, the friendly sugar-producing nations of the Caribbean Basin and the Philippines are helped more effectively than they are through section 416 commodity program assistance, and the sugar refining industry in the United States is able to retain a viable level of productive capacity.

(b) The Secretary of Agriculture shall issue regulations for fiscal year 1988 that set forth the terms and conditions of a special export enhancement program for a quantity of refined sugar produced in the United States equal to the quantity of raw sugar imported from beneficiary countries as defined in the Caribbean Basin Initiative (19 U.S.C. 2702) and the Republic of the Philippines. This

⁵⁸³⁻¹ Pub. L. 100-202, 101 Stat. 1329-182, Dec. 22, 1987.

will enable United States refiners, processors or operators to purchase raw sugar from CBI beneficiary countries and the Republic of the Philippines at United States domestic prices for export of an equivalent quantity of refined sugar into world markets within 60 days. The tonnage for fiscal year 1988 for this purpose shall be no less than 290,000 short tons, raw value, for the CBI nations and 110,000 short tons, raw value, for the Philippines. This amount shall be in addition to the sugar quota level established for the CBI and Philippines pursuant to the tariff schedules (19 U.S.C. 1202), for calendar year 1988 and shall not be held as violating the no cost provision contained in the sugar title of the Food Security Act of 1985. In order to maximize the number of competing bidders, the Secretary shall, in determining the low bidders in the special export enhancement program established under this section, make appropriate adjustments in bids received from sugar refiners and processors to reflect differing transportation costs based on refinery and factory location.

(c) The Secretary of Agriculture shall estimate the dollar amount of section 416 commodities which would be made available to compensate eligible CBI countries and the Philippines for the 1988 sugar quota year and operate the special sugar export enhancement program by adjusting the quantities of sugar shipped and imported under this program so as to insure that the cost of \$12,000,000 below the outlay costs for fiscal year 1988 of the section 416 commodities that would otherwise have been made available, including any costs in shipping the minimum amount of section 416 commodities as required in the Food Security Act of 1985. To estimate dollar values, the Secretary of Agriculture shall estimate the cost of the certificates to be 13 percent above their face value.

g. Tobacco Imports

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

SEC. 213.²¹³⁻¹ [7 U.S.C. 511v] (a) Notwithstanding any other provision of law—

(1) All tobacco offered for importation into the United States, except tobacco described in paragraph (2), shall be inspected, insofar as practicable, for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality.

(2)²¹³⁻² Cigar tobacco and oriental tobacco (both as provided for in chapter 24 of the Harmonized Tariff Schedule of the United States) offered for importation into the United States shall be accompanied by a certification by the importer, in such form as the Secretary of Agriculture may prescribe, stating the kind and type of such tobacco, and, in the case of cigar tobacco, that such tobacco will be used solely in the manufacture or production of cigars.

(b) The Secretary of Agriculture shall establish grade and quality standards for the purposes of subsection (a)(1) that are, insofar

²¹³⁻¹ Pub. L. 98-180, 97 Stat. 1149, Nov. 29, 1983.

²¹³⁻² Section 1214(b) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1156, Aug. 23, 1988, substituted "chapter 24 of the Harmonized Tariff Schedule of the United States" for "Schedule 1, Part 13, Tariff Schedules of the United States".

as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(c) Any tobacco described in subsection (a)(2) that is not accompanied by the certification required by that subsection shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any certification made by an importer under such subsection.

(d)²¹³⁻³ The Secretary of Agriculture shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) and subsection (e) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1).

(e)²¹³⁻⁴ Notwithstanding any other provision of law:

(1)(A) All flue-cured or burley tobacco offered for importation into the United States shall be accompanied by a certification by the importer, in such form as the Secretary of Agriculture shall prescribe, that the tobacco does not contain any prohibited residue of any pesticide that has been cancelled, suspended, revoked, or otherwise prohibited under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.). Any flue-cured or burley tobacco that is not accompanied by such certification shall be inspected by the Secretary at the point of entry to determine whether that tobacco meets the pesticide residue requirements. Subsection (d) of this section shall apply with respect to fees and charges imposed to cover the costs of such inspection.

(B) Any tobacco that is determined by the Secretary not to meet the pesticide residue requirements shall not be permitted entry into the United States.

(C) The customs fraud provisions under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), and criminal fraud provisions under section 1001 of title 18, United States Code, shall apply with respect to the certification requirement in subparagraph (A).

(2) The Secretary shall by regulation provide for pesticide residue standards with respect to pesticides that are cancelled, suspended, revoked, or otherwise prohibited under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), that shall apply to flue-cured and burley tobacco, whether domestically produced or imported.

(3) The Secretary, to such extent and at such times as the Secretary determines appropriate, shall sample and test flue-cured and burley tobacco offered for importation or for sale in the United States to determine whether it conforms with the

²¹³⁻³ Section 1161(b) of the Food Security Act of 1985, Pub. L. 99-198, 99 Stat. 1499, Dec. 23, 1985, added "and subsection (e)" after "subsection (a)(1)".

²¹³⁻⁴ Subsection (e) added by Section 1161(a) of the Food Security Act of 1985, Pub. L. 99-198, 99 Stat. 1498, Dec. 23, 1985.

pesticide residue requirements. The Secretary shall by regulation impose fees and charges for such inspections.

(4) If the Secretary determines, as a result of tests conducted under paragraph (3), that certain flue-cured or burley tobacco offered for importation does not meet the requirements of this subsection, then such tobacco shall not be permitted entry into the United States.

(5)(A) Subject to subparagraph (B), if the Secretary determines that domestically produced Flue-cured or Burley tobacco does not meet the requirements of this section, such tobacco may not be moved in commerce among the States and shall be destroyed by the Secretary.

(B) This paragraph shall apply only to tobacco produced after the date of enactment of this provision that receives price support under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(f)(1)²¹³⁻⁵ The certification required under subsection (e)(1) of this section shall also include the identification of any and all end users of such tobacco of which the importer has knowledge. Any flue cured or burley tobacco permitted entry into the United States must be accompanied by a written identification of any and all end users of such tobacco. In cases in which the importer has no knowledge of the identity of an end user, the importer shall identify any and all purchasers to whom the importer expects to transfer such imported tobacco. The importer shall file with the Department of Agriculture an amended statement if, at any time after the time of entry of such tobacco imports, the importer has knowledge of any additional purchaser or end user. In those cases in which the importer has not identified all end users of such imported tobacco, the Secretary of Agriculture shall take all steps available to ascertain the identity of any and all such end users, including requesting such information from purchasers of such imported tobacco. Domestic purchasers of imported tobacco shall be required to supply any relevant information to the Department of Agriculture upon demand under this subsection.

(2) The Secretary shall provide to the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, on or before April 1, 1986, a report on the implementation of this authority to identify each end user and purchaser of imported tobacco. Such report shall identify the end users and purchasers of imported tobacco and the quantity, in pounds, bought by such end user or purchaser, as well as all steps taken by the Department of Agriculture to ascertain such identities. The Secretary shall provide an additional report, beginning November 15, 1986, and annual reports thereafter, on the implementation of this authority.

(3) As used in this subsection, the term “end user of imported tobacco” means—

(A) a domestic manufacturer of cigarettes or other tobacco products;

(B) an entity that mixes, blends, processes, alters in any manner, or stores, imported tobacco for export; and

²¹³⁻⁵ Subsection (f) was added by section 1166 of the Food Security Act of 1985, Pub. L. 99-198, 99 Stat. 1501, Dec. 23, 1985.

(C) any other individual that the Secretary may identify as making use of imported tobacco for the production of tobacco products.

Effects of Imports of Burley Tobacco

PUBLIC LAW 98-59

SEC. 3.³⁻¹ [7 U.S.C. 625] The Secretary of Agriculture shall review, pursuant to section 22 of the Agricultural Adjustment Act, as amended, the effects of imports of Burley tobacco on the Department of Agriculture's Burley tobacco price-support program whenever (1) the level of price support for any crop of Burley tobacco is increased by less than 65 per centum of the amount that it would have otherwise been increased if the level of price support would have been determined in accordance with section 106(b) of the Agricultural Act of 1949, or (2) stocks of Burley tobacco held by producer-owned cooperative marketing associations having loan agreements with the Commodity Credit Corporation exceed 20 per centum of the national marketing quota proclaimed by the Secretary for any such crop of Burley tobacco.

h. Meat Inspection

FEDERAL MEAT INSPECTION ACT²⁰⁻¹

SEC. 20.²⁰⁻² [21 U.S.C. 620] (h)(1) As used in this subsection:

(A) The term "meat articles" means carcasses, meat and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, that are capable of use as human food.

(B) The term "standards" means inspection, building construction, sanitary, quality, species verification, residue, and other standards that are applicable to meat articles.

(2) On request of the Committee on Agriculture or the Committee on Ways and Means of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry or the Committee on Finance of the Senate, or at the initiative of the Secretary, the Secretary shall, as soon as practicable, determine whether a particular foreign country applies standards for the importation of meat articles from the United States that are not related to public health concerns about end-product quality that can be substantiated by reliable analytical methods.

(3) If the Secretary determines that a foreign country applies standards described in paragraph (2)—

(A) the Secretary shall consult with the United States Trade Representative; and

(B) within 30 days after the determination of the Secretary under paragraph (2), the Secretary and the United States Trade Representative shall recommend to the President whether action should be taken under paragraph (4).

(4) Within 30 days after receiving a recommendations for action under paragraph (3), the President shall, if and for such time as the President considers appropriate, prohibit imports into the United

³⁻¹ 97 Stat. 296, July 25, 1983.

²⁰⁻² March 4, 1907, c. 2907, section 20, formerly 18th paragraph, 34 Stat. 1264, renumbered and amended Dec. 15, 1967, Pub. L. 90-201, secs. 1, 10, 81 Stat. 590.

²⁰⁻² Section 4604(a) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1408, Aug. 23, 1988, added subSection (h).

States of any meat articles produced in such foreign country unless it is determined that the meat articles produced in that country meet the standards applicable to meat articles in commerce within the United States.

(5) The action authorized under paragraph (4) may be used instead of, or in addition to, any other action taken under any other law.

3. COUNTRY LIMITATIONS

a. Caribbean Basin Initiative

CARIBBEAN BASIN ECONOMIC RECOVERY ACT ²⁰¹⁻¹

TITLE II—CARIBBEAN BASIN INITIATIVE

* * * * *

SEC. 211. [19 U.S.C. 2701] AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment (or other preferential treatment) ²¹¹⁻¹ for all eligible articles from any beneficiary country in accordance with the provisions of this title. ²¹¹⁻²

* * * * *

SEC. 213. [19 U.S.C. 2703] ELIGIBLE ARTICLES.

(a) * * *

(b) * * *

(c)(1) As used in this subsection—

(A) ²¹³⁻¹ The term “sugar and beef products” means—

(i) sugars, syrups, and molasses provided for in subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the Harmonized Tariff Schedule of the United States, and

(ii) articles of beef or veal, however provided for in chapters 2 and 16 of the Harmonized Tariff Schedule of the United States.

(B) The term “Plan” means a stable food production plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under

²⁰¹⁻¹ This Act is title II of Pub. L. 98-67, 97 Stat. 384, Aug. 5, 1983.

²¹¹⁻¹ Sec. 211(e)(1)(A) of Pub. L. 106-200, 114 Stat. 287, May 18, 2000, amended this section by inserting “(or other preferential treatment)” after “treatment”.

²¹¹⁻² The Caribbean countries designated by Pres. Proc. No. 5133 of Nov. 30, 1983, as amended by Pres. Proc. No. 5142 of Dec. 29, 1983, as beneficiary countries within the meaning of section 211 of Pub. L. 98-67 (19 U.S.C. 2701) are listed in general headnote 3(g)(i) of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Section 218(b) of Pub. L. 98-67 (19 U.S.C. 2706(b)) provides that the duty-free treatment extended to beneficiary countries under Title II of Pub. L. 98-67 shall expire after Sept. 30, 1995.

²¹³⁻¹ Section 214(q)(2) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1159, Aug. 23, 1988, struck out “items 155.20 and 155.30 of the TSUS” and inserted in lieu thereof the material beginning with “subheadings” and ending with “United States” in subsection (c)(1)(A)(i) and struck out “subpart B of part 2 of schedule 1 of the TSUS” and inserted in lieu thereof “chapters 2 and 16 of the Harmonized Tariff Schedule of the United States”. Amendments made by Pub. L. 100-418 are effective Jan. 1, 1989, and are applicable with respect to articles entered on or after such date. See section 1217(b)(1) of Pub. L. 100-418.

this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current level of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of stable food production; and

(v) proposals for a system to monitor the impact of such duty-free access on stable food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 212, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(3) Before the President suspends duty-free treatment by reason of paragraph (2) (A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(4) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(5) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d)²¹³⁻² TARIFF-RATE QUOTAS.—No quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this title.

* * * * *

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from the beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A)²¹³⁻³ upon the taking of action under section 203 of the Trade Act of 1974,

(B)²¹³⁻³ on the day a determination by the President not to take action under section 203 of such Act not to take action becomes final;

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term “perishable product” means—

²¹³⁻² Section 404(e)(1) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4961, Dec. 6, 1994, amended this subsection in its entirety. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States. Previously, section 1214(q)(1)(C) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1159, Aug. 23, 1988, amended this subsection (see footnote 213-1 for effective date).

²¹³⁻³ Section 1401(b)(2)(F) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1240, Aug. 23, 1988, deleted in subSection (f)(4)(A) “proclamation of import relief pursuant to section 202(a)(1)” and inserted “taking of action under section 203” and substituted a new subparagraph (B).

(A)²¹³⁻⁴ live plants and fresh cut flowers provided for in chapter 6 of the HTS;

(B)²¹³⁻⁵ fresh or chilled vegetables provided for in headings 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS;

(C)²¹³⁻⁶ fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons of subheading 0805.90.00, tamarinds and kiwi fruit of subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops and sweetsops of subheading 0810.90.40) of the HTS;

[(D)²¹³⁻⁷ * * *]

(E)²¹³⁻⁸ concentrated citrus fruit juice provided for in subheadings 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, and 2009.30.60 of the HTS.

(g) No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

b. U.S.-Canada Free-Trade Agreement

UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988

SEC. 301.³⁰¹⁻¹ [19 U.S.C. 2112 note] AGRICULTURE.

(a) SPECIAL TARIFF PROVISIONS FOR FRESH FRUITS AND VEGETABLES.—

(1) The Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) may recommend to the President the imposition of temporary duty on any Canadian fresh fruit or vegetable entered into the United States if the Secretary determines that both of the following conditions exist at the time that imposition of the duty is recommended:

(A) For each of 5 consecutive working days the import price of the Canadian fresh fruit or vegetable is below 90 percent of the corresponding 5-year average monthly import price for such fruit or vegetable.

(B) The planted acreage in the United States for the like fresh fruit or vegetable is no higher than the average planted acreage over the preceding 5 years, excluding the years with the highest and lowest acreage. For the purposes of applying this subparagraph, any acreage increase attributed directly to a reduction in the acreage that was planted to wine grapes as of October 4, 1987, shall be excluded.

²¹³⁻⁴ Section 1214(q)(2)(D) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1159, Aug. 23, 1988, substituted a new subparagraph (A), and struck out “items 135.10 through 138.46 of the TSUS” in subparagraph (B) and inserted the material after “for in”.

²¹³⁻⁵ See footnote 213-4. Subparagraph (B) was previously amended by Section 1890 of Pub. L. 99-514, 100 Stat. 2926, Oct. 22, 1986, by substituting “138.46” for “138.42”.

²¹³⁻⁶ Section 1214(q)(2)(D) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1161, Aug. 23, 1988, struck out the former subparagraph (C); redesignated subparagraph (D) as subparagraph (C); struck out language from “items 146.10” to the end of the subparagraph and inserted the language from “subheadings” to the end of the subparagraph; struck out subparagraph (E) and redesignated subparagraph (F) as subparagraph (E); struck out “items 165.25 and 165.35 of the TSUS” and inserted the language from “subheadings” to the end of the subparagraph

²¹³⁻⁷ There is no subparagraph (D). See footnote 213-6.

²¹³⁻⁸ See footnote 213-6.

³⁰¹⁻¹ Pub. L. 100-449, 102 Stat. 1865, Sept. 28, 1988.

Whenever the Secretary makes a determination that the conditions referred to in subparagraphs (A) and (B) regarding any Canadian fresh fruit or vegetable exist, the Secretary shall immediately submit for publication in the Federal Register notice of the determination.

(2) No later than 6 days after publication in the Federal Register of the notice described in paragraph (1), the Secretary shall decide whether to recommend the imposition of a temporary duty to the President, and if the Secretary decides to make such a recommendation, the recommendation shall be forwarded immediately to the President.

(3) In determining whether to recommend the imposition of a temporary duty to the President under paragraph (1), the Secretary shall consider whether the conditions in subparagraphs (A) and (B) of such paragraph have led to a distortion in trade between the United States and Canada of the fresh fruit or vegetable and, if so, whether the imposition of the duty is appropriate, including consideration of whether it would significantly correct this distortion.

(4) Not later than 7 days after receipt of a recommendation of the Secretary under paragraph (1), the President, after taking into account the national economic interests of the United States, shall determine whether to impose a temporary duty on the Canadian fresh fruit or vegetable concerned. If the determination is affirmative, the President shall proclaim the imposition and the rate of the temporary duty, but such duty shall not apply to the entry of articles that were in transit to the United States on the first day on which the temporary duty is in effect.

(5) A temporary duty imposed under paragraph (4) shall cease to apply with respect to articles that are entered on or after the earlier of—

(A) the day following the last of 5 consecutive working days with respect to which the Secretary determines that the point of shipment price in Canada for the Canadian fruit or vegetable concerned exceeds 90 percent of the corresponding 5-year average monthly import price; or

(B) the 180th day after the date on which the temporary duty first took effect.

(6) No temporary duty may be imposed under this subsection on a Canadian fresh fruit or vegetable during such time as import relief is provided with respect to such fresh fruit or vegetable under chapter 1 of title II of the Trade Act of 1974.

(7) For purposes of this subsection:

(A) The term “Canadian fresh fruit or vegetable” means any article originating in Canada (as determined in accordance with section 202) and classified within any of the following headings of the Harmonized System:

- (i) 07.01 (relating to potatoes, fresh or chilled);
- (ii) 07.02 (relating to tomatoes, fresh or chilled);
- (iii) 07.03 (relating to onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled);
- (iv) 07.04 (relating to cabbages, cauliflowers, kohlrabi; kale and similar edible brassicas, fresh or chilled);

(v) 07.05 (relating to lettuce (*lactuca sativa*) and chicory (*cichorium* spp.), fresh or chilled);

(vi) 07.06 (relating to carrots, salad beets or beetroot, salsify, celeriac, radishes and similar edible roots (excluding turnips), fresh or chilled);

(vii) 07.07 (relating to cucumbers and gherkins, fresh or chilled);

(viii) 07.08 (relating to leguminous vegetables, shelled or unshelled, fresh or chilled);

(ix) 07.09 (relating to other vegetables (excluding truffles), fresh or chilled);

(x) 08.06.10 (relating to grapes, fresh);

(xi) 08.08.20 (relating to pears and quinces, fresh);

(xii) 08.09 (relating to apricots, cherries, peaches (including nectarines), plums and sloes, fresh); and

(xiii) 08.10 (relating to other fruit (excluding cranberries and blueberries), fresh).

(B) The term “corresponding 5-year average monthly import price” for a particular day means the average import price of a Canadian fresh fruit or vegetable, for the calendar month in which that day occurs, for that month in each of the preceding 5 years, excluding the years with the highest and lowest monthly averages.

(C) The term “import price” has the meaning given such term in article 711 of the Agreement.

(D) The rate of a temporary duty imposed under this subsection with respect to a Canadian fresh fruit or vegetable means a rate that, including the rate of any other duty in effect for such fruit or vegetable, does not exceed the lesser of—

(i) the duty that was in effect for the fresh fruit or vegetable before January 1, 1989, under column one of the Tariff Schedules of the United States for the applicable season in which the temporary duty is applied; or

(ii) the duty in effect for the fresh fruit or vegetable under column one of such Schedules, or column 1 (General) of the Harmonized System, at the time the temporary duty is applied.

(8)(A) The Secretary shall, to the extent practicable, administer the provisions of this subsection to the 8-digit level of classification under the Harmonized System.

(B) The Secretary may issue such regulations as may be necessary to implement the provisions of this subsection.

(9) For purposes of assisting the Secretary in carrying out this subsection—

(A) the Commissioner of Customs and the Director of the Bureau of Census shall cooperate in providing the Secretary with timely information and data relating to the importation of Canadian fresh fruits and vegetables, and

(B) importers shall report such information relating to Canadian fresh fruits and vegetables to the Commissioner of Customs at such time and in such manner as the Commissioner requires.

(10) The authority to impose temporary duties under this subsection expires on the 20th anniversary of the date on which the Agreement enters into force.

* * * * *

SECTION 304. [19 U.S.C. 2112 note] (d)³⁰⁴⁻¹ NEGOTIATION OF
LIMITATION ON POTATO TRADE.—

(1) During the 5-year period beginning on the date of enactment of this Act, the President is authorized to enter into negotiations with Canada for the purpose of obtaining an agreement to limit the exportation and importation of all potatoes between the United States and Canada, including seed potatoes, fresh, chilled or frozen potatoes, dried, desiccated or dehydrated potatoes, and potatoes otherwise prepared or preserved. Any agreement negotiated under this subsection shall provide for an annual limitation divided equally into each half of the year.

(2) For the purpose of conducting negotiations under paragraph (1), the Secretary of Agriculture and the United States Trade Representative shall consult with representatives of the potato producing industry, including the Ad Hoc Potato Advisory Group and the United States/Canada Horticultural Industry Advisory Committee, to solicit their views on negotiations with Canada for reciprocal quantitative limits on the potato trade.

(3) The President is authorized to direct the Secretary of the Treasury to—

(A) carry out such actions as may be necessary or appropriate to ensure the attainment of the objectives of any agreement that is entered into under this section; and

(B) enforce any quantitative limitation, restriction, and other terms contained in the agreement.

Such actions may include, but are not limited to, requirements that valid export licenses or other documentation issued by a foreign government be presented as a condition for the entry into the United States of any article that is subject to the agreement.

(4) The provisions of section 1204 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736j) and the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) shall not apply in the case of actions taken pursuant to this subsection.

(e) CANADIAN CONTROLS ON FISH.—

(1) Within 30 days of the application by Canada of export controls on unprocessed fish under statutes exempted from the Agreement under article 1203, or the application of landing requirements for fish caught in Canadian waters, the President shall take appropriate action to enforce United States rights under the General Agreement on Tariffs and Trade that are retained in article 1205 of the Agreement.

(2) In enforcing the United States rights referred to in paragraph (1), the President has discretion to—

(A) bring a challenge to the offending Canadian practices before the GATT;

(B) retaliate against such offending practices;

³⁰⁴⁻¹ 102 Stat. 1815.

- (C) seek resolution directly with Canada;
- (D) refer the matter for dispute resolution to the Canada-United States Trade Commission; or
- (E) take other action that the President considers appropriate to enforce such United States rights.
- (f) BIENNIAL REPORT.—The President shall submit to the Congress, at the close of each biennial period occurring after the date on which the Agreement enters into force, a report regarding—
 - (1) the status of the negotiations regarding agreements that the President is authorized to enter into with Canada under this section;
 - (2) the effectiveness and operation of any agreement entered into under section 304 that is in force with respect to the United States;
 - (3) the effectiveness of operation of the Agreement generally; and
 - (4) the actions taken by the United States and Canada to implement further the objectives of the Agreement.

c. Perishable Products From Israel

TRADE AND TARIFF ACT OF 1984⁴⁰⁴⁻¹

SEC. 404.⁴⁰⁴⁻² [19 U.S.C. 2112 note] FAST TRACK PROCEDURES FOR PERISHABLE ARTICLES.

(a) If a petition is filed with the Commission under the provisions of section 201 of the Trade Act of 1974 regarding a perishable product which is subject to any reduction or elimination of a duty imposed by the United States under a trade agreement entered into with Israel under section 102(b)(1) of the Trade Act of 1974 and alleges injury from imports of that product, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted under subsection (c) with respect to such article.

(b) Within 14 days after the filing of a petition under subsection (a)—

(1) if the Secretary of Agriculture has reason to believe that a perishable product from Israel is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(2) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(c) Within 7 days after the President receives a recommendation from the Secretary of Agriculture to take emergency action under subsection (b), he shall issue a proclamation withdrawing the reduction or elimination of duty provided to the perishable product under any trade agreement provision entered into under section 102(b)(1) of the Trade Act of 1974 or publish a notice of his determination not to take emergency action.

⁴⁰⁴⁻¹ Pub. L. 98-573, 98 Stat. 2948, Oct. 30, 1984.

⁴⁰⁴⁻² 98 Stat. 3016.

(d) The emergency action provided under subsection (c) shall cease to apply—

(1) upon the proclamation of import relief under section 202(a)(1) of the Trade Act of 1974;

(2) on the day the President makes a determination under section 203(b)(2) of such Act not to impose import relief;

(3) in the event of a report of the Commission containing a negative finding, on the day the Commission's report is submitted to the President; or

(4) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(e) For purposes of this section, the term "perishable product" means and—

(1)⁴⁰⁴⁻³ live plants and fresh cut flowers provided for in chapter 6 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202, hereinafter referred to as the 'HTS');

(2)⁴⁰⁴⁻⁴ vegetable, edible nuts or fruit provided for in chapters 7 and 8, heading 1105, subheadings 1106.10.00 and 1106.30, heading 1202, subheading 1214.90.00 and 1704.90.60, headings 2001 through 2008 (excluding subheadings 2001.90.20 and 2004.90.10) and subheading 2103.20.40 of the HTS;⁴⁰⁴⁻⁵

(3)⁴⁰⁴⁻⁶ concentrated citrus fruit juice provided for in subheadings 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, and 2009.30.60 of the HTS.

(f) No trade agreement entered into with Israel under section 102(b)(1) of the Trade Act of 1974 shall affect fees imposed under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

d. U.S.-Israel Free Trade Area

UNITED STATES-ISRAEL FREE TRADE AREA IMPLEMENTATION ACT OF 1985¹⁻¹

AN ACT To approve and implement the Free Trade Area Agreement between the
United States and Israel

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. [19 U.S.C. 2112 note] SHORT TITLE.

This Act may be cited as the "United States-Israel Free Trade Area Implementation Act of 1985".

SEC. 2. [19 U.S.C. 2112 note] PURPOSES.

The purposes of this Act are—

(1) to approve and implement the agreement on the establishment of a free trade area between the United States and Israel negotiated under the authority of section 102 of the Trade Act of 1974;

⁴⁰⁴⁻³ Section 1214(s)(4) of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1160, Aug. 23, 1988, substituted amended paragraphs (1) and (2); struck out paragraphs (3), (4), (5), and (6); and inserted new para. (3).

⁴⁰⁴⁻⁴ See footnote 404-3. Former paras. (2), (4), and (6) were amended by section 8(a)(2) of the United States-Israel Free Trade Area Implementation Act of 1985, Pub. L. 99-47, 99 Stat. 84, June 11, 1985.

⁴⁰⁴⁻⁵ So in original. Probably should be an "and" after the semicolon.

⁴⁰⁴⁻⁶ See footnote 404-3.

¹⁻¹ Pub. L. 99-47, 99 Stat. 82, June 11, 1985.

(2) to strengthen and develop the economic relations between the United States and Israel for their mutual benefit; and

(3) to establish free trade between the two nations through the removal of trade barriers.

SEC. 3. [19 U.S.C. 2112 note] APPROVAL OF A FREE TRADE AREA AGREEMENT.

Pursuant to sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112; 2191), the Congress approves—

(1) the Agreement on the Establishment of a Free Trade Area between the Governments of the United States of America and the Government of Israel (hereinafter in this Act referred to as “the Agreement”) entered into on April 22, 1985, and submitted to the Congress on April 29, 1985, and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on April 29, 1985.

SEC. 4. [19 U.S.C. 2112 note] PROCLAMATION AUTHORITY.

(a) TARIFF MODIFICATIONS.—Except as provided in subsection (c), the President may proclaim—

(1) such modifications or continuance of any existing duty,

(2) such continuance of existing duty-free or excise treatment, or

(3) such additional duties.

as the President determines to be required or appropriate to carry out the schedule of duty reductions with respect to Israel set forth in annex 1 of the Agreement.

(b) ADDITIONAL TARIFF MODIFICATION AUTHORITY.—Except as provided in subsection (c), whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the Agreement, the President may proclaim—

(1) such withdrawal, suspension, modification, or continuance of any duty,

(2) such continuance of existing duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be required or appropriate to carry out the Agreement.

(c) EXCEPTION TO AUTHORITY.—No modification of any duty imposed on any article provided for in paragraph (4) of annex 1 of the Agreement that may be proclaimed under subsection (a) or (b) shall take effect prior to January 1, 1995.

e. North American Free Trade Agreement Implementation Act

NORTH AMERICAN FREE TRADE AGREEMENT IMPLEMENTATION ACT¹⁻¹

* * * * *

¹⁻¹ Pub. L. 103-182, 107 Stat. 2057, Dec. 8, 1993.

Subtitle B—Agriculture

SEC. 321. [19 U.S.C. 3391] AGRICULTURE.

(a) MEAT IMPORT ACT OF 1979.—³²¹⁻¹

(b) SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT.—

(1) IN GENERAL.—The President may, pursuant to article 309 and Annex 703.2 of the Agreement, exempt from any quantitative limitation or fee imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, any article which originates in Mexico, if Mexico is a NAFTA country.

(2) QUALIFICATION OF ARTICLES.—The determination of whether an article originates in Mexico shall be made in accordance with section 202, except that operations performed in, or materials obtained from, any country other than the United States or Mexico shall be treated as if performed in or obtained from a country other than a NAFTA country.

(c) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

(d) PEANUTS.—

(1) EFFECT OF THE AGREEMENT.—

(A) IN GENERAL.—Nothing in the Agreement or this Act reduces or eliminates—

(i) any penalty required under section 358e(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(d)); or

(ii) any requirement under Marketing Agreement No. 146, Regulating the Quality of Domestically Produced Peanuts, on peanuts in the domestic market, pursuant to section 108B(f) of the Agricultural Act of 1949 (7 U.S.C. 1445c-3(f)).

(B) REENTRY OF EXPORTED PEANUTS.—³²¹⁻²

(2) CONSULTATIONS ON IMPORTS.—It is the sense of Congress that the United States should request consultations in the Working Group on Emergency Action, established in the Understanding Between the Parties to the North American Free Trade Agreement Concerning Chapter Eight—Emergency Action, if imports of peanuts exceed the in-quota quantity under a tariff rate quota set out in the United States Schedule to Annex 302.2 of the Agreement concerning whether—

(A) the increased imports of peanuts constitute a substantial cause of, or contribute importantly to, serious injury, or threat of serious injury, to the domestic peanut industry; and

(B) recourse under Chapter Eight of the Agreement or Article XIX of the General Agreement on Tariffs and Trade is appropriate.

(e) FRESH FRUITS, VEGETABLES, AND CUT FLOWERS.—

³²¹⁻¹ Sec. 321(a) amended the Meat Import Act of 1979 (19 U.S.C. 2253 note).

³²¹⁻² Sec. 321(d)(1)(B) amended section 358e(d)(6) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(d)(6)).

(1) IN GENERAL.—The Secretary of Agriculture shall collect and compile the information specified under paragraph (3), if reasonably available, from appropriate Federal departments and agencies and the relevant counterpart ministries of the Government of Mexico.

(2) DESIGNATION OF AN OFFICE.—The Secretary of Agriculture shall designate an office within the United States Department of Agriculture to be responsible for maintaining and disseminating, in a timely manner, the data accumulated for verifying citrus, fruit, vegetable, and cut flower trade between the United States and Mexico. The information shall be made available to the public and the NAFTA Agriculture Committee Working Groups.

(3) INFORMATION COLLECTED.—The information to be collected, if reasonably available, includes—

(A) monthly fresh fruit, fresh vegetable, fresh citrus, and processed citrus product import and export data;

(B) monthly citrus juice production and export data;

(C) data on inspections of shipments of citrus, vegetables, and cut flowers entering the United States from Mexico; and

(D) in the case of fruits, vegetables, and cut flowers entering the United States from Mexico, data regarding—

(i) planted and harvested acreage; and

(ii) wholesale prices, quality, and grades.

(f) END-USE CERTIFICATES.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the “Secretary”) shall implement, in coordination with the Commissioner of Customs, a program requiring that end-use certificates be included in the documentation covering the entry into, or the withdrawal from a warehouse for consumption in, the customs territory of the United States—

(A) of any wheat that is a product of any foreign country or instrumentality that requires, as of the effective date of this subsection, end-use certificates for imports of wheat that is a product of the United States (referred to in this subsection as “United States-produced wheat”); and

(B) of any barley that is a product of any foreign country or instrumentality that requires, as of the effective date of this subsection, end-use certificates for imports of barley that is a product of the United States (referred to in this subsection as “United States-produced barley”).

(2) REGULATIONS.—The Secretary shall prescribe by regulation such requirements regarding the information to be included in end-use certificates as may be necessary and appropriate to carry out this subsection.

(3) PRODUCER PROTECTION DETERMINATION.—At any time after the effective date of the requirements established under paragraph (1), the Secretary may, subject to paragraph (5), suspend the requirements when making a determination, after consultation with domestic producers, that the program implemented under this subsection has directly resulted in—

(A) the reduction of income to the United States producers of agricultural commodities; or

(B) the reduction of the competitiveness of United States agricultural commodities in the world export markets.

(4) SUSPENSION OF REQUIREMENTS.—

(A) WHEAT.—If a foreign country or instrumentality that requires end-use certificates for imports of United States-produced wheat as of the effective date of the requirement under paragraph (1)(A) eliminates the requirement, the Secretary shall suspend the requirement under paragraph (1)(A) beginning 30 calendar days after suspension by the foreign country or instrumentality.

(B) BARLEY.—If a foreign country or instrumentality that requires end-use certificates for imports of United States-produced barley as of the effective date of the requirement under paragraph (1)(B) eliminates the requirement, the Secretary shall suspend the requirement under paragraph (1)(B) beginning 30 calendar days after suspension by the foreign country or instrumentality.

(5) REPORT TO CONGRESS.—The Secretary shall not suspend the requirements established under paragraph (1) under circumstances identified in paragraph (3) before the Secretary submits a report to Congress detailing the determination made under paragraph (3) and the reasons for making the determination.

(6) COMPLIANCE.—It shall be a violation of section 1001 of title 18, United States Code, for a person to engage in fraud or knowingly violate this subsection or a regulation implementing this subsection.

(7) EFFECTIVE DATE.—This subsection shall become effective on the date that is 120 days after the date of enactment of this Act.

(g) AGRICULTURAL FELLOWSHIP PROGRAM.—³²¹⁻³

(h) ASSISTANCE FOR AFFECTED FARMWORKERS.—

(1) IN GENERAL.—Subject to paragraph (3), if at any time the Secretary of Agriculture determines that the implementation of the Agreement has caused low-income migrant or seasonal farmworkers to lose income, the Secretary may make available grants, not to exceed \$20,000,000 for any fiscal year, to public agencies or private organizations with tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, that have experience in providing emergency services to low-income migrant or seasonal farmworkers. Emergency services to be provided with assistance received under this subsection may include such types of assistance as the Secretary determines to be necessary and appropriate.

(2) DEFINITION.—As used in this subsection, the term “low-income migrant or seasonal farmworker” shall have the same meaning as provided in section 2281(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a(b)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$20,000,000 for each fiscal year to carry out this subsection.

³²¹⁻³ Sec. 321(g) added sec. 1542(d)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 7 U.S.C. 5622 note).

(i) BIENNIAL REPORT ON EFFECTS OF THE AGREEMENT ON AMERICAN AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture shall prepare a biennial report on the effects of the Agreement on United States producers of agricultural commodities and on rural communities located in the United States.

(2) CONTENTS OF REPORT.—The report required under this subsection shall include—

(A) an assessment of the effects of implementing the Agreement on the various agricultural commodities affected by the Agreement, on a commodity-by-commodity basis;

(B) an assessment of the effects of implementing the Agreement on investments made in United States agriculture and on rural communities located in the United States;

(C) an assessment of the effects of implementing the Agreement on employment in United States agriculture, including any gains or losses of jobs in businesses directly or indirectly related to United States agriculture; and

(D) such other information and data as the Secretary determines appropriate.

(3) SUBMISSION OF REPORT.—The Secretary shall furnish the report required under this subsection to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives. The report shall be due every 2 years and shall be submitted by March 1 of the year in which the report is due. The first report shall be due by March 1, 1997, and the final report shall be due by March 1, 2011.

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Subtitle E—Standards

PART 1—STANDARDS AND MEASURES

SEC. 351. STANDARDS AND SANITARY AND PHYTOSANITARY MEASURES.

(a) IN GENERAL.—³⁵¹⁻¹

(b) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF TRADE REPRESENTATIVE.—³⁵¹⁻²

(2) CONFORMING AMENDMENTS.—³⁵¹⁻³

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PART 2—AGRICULTURAL STANDARDS

SEC. 361. [19 U.S.C. 3421] AGRICULTURAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL SEED ACT.—³⁶¹⁻¹

(b) IMPORTATION OF ANIMALS.—³⁶¹⁻²

³⁵¹⁻¹ Sec. 351(a) added subtitle E of title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2575 et seq.).

³⁵¹⁻² Sec. 351(b)(1) amended sec. 451(12) of the Trade Agreements Act of 1979.

³⁵¹⁻³ Sec. 351(b)(2) amended title IV of the Trade Agreement Act of 1979.

³⁶¹⁻¹ Sec. 361(a) amended sec. 302(e)(1) of the Federal Seed Act (7 U.S.C. 1582(e)(1)).

³⁶¹⁻² Sec. 361(b) amended sec. 6 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 104).

- (c) INSPECTION OF ANIMALS.—³⁶¹⁻³
- (d) DISEASE-FREE COUNTRIES OR REGIONS.—
 - (1) TARIFF ACT OF 1930.—³⁶¹⁻⁴
 - (2) HONEYBEE ACT.—³⁶¹⁻⁵
- (e) POULTRY PRODUCTS INSPECTION ACT.—³⁶¹⁻⁶
- (f) FEDERAL MEAT INSPECTION ACT.—³⁶¹⁻⁷
- (g) PEANUT BUTTER AND PEANUT PASTE.—

(1) IN GENERAL.—Except as provided in paragraph (2), all peanut butter and peanut paste in the United States domestic market shall be processed from peanuts that meet the quality standards established for peanuts under Marketing Agreement No. 146.

(2) IMPORTS.—Peanut butter and peanut paste imported into the United States shall comply with paragraph (1) or with sanitary measures that achieve at least the same level of sanitary protection.

- (h) ANIMAL HEALTH BIOCONTAINMENT FACILITY.—

(1) GRANT FOR CONSTRUCTION.—The Secretary of Agriculture shall make a grant to a land grant college or university described in paragraph (2) for the construction of a facility at the college or university for the conduct of research in animal health, disease-transmitting insects, and toxic chemicals that requires the use of biocontainment facilities and equipment. The facility to be constructed with the grant shall be known as the “Southwest Regional Animal Health Biocontainment Facility”.

(2) GRANT RECIPIENT DESCRIBED.—To be eligible for the grant under paragraph (1), a land grant college or university must be—

(A) located in a State adjacent to the international border with Mexico; and

(B) determined by the Secretary of Agriculture to have an established program in animal health research and education and to have a collaborative relationship with one or more colleges of veterinary medicine or universities located in Mexico.

(3) ACTIVITIES OF THE FACILITY.—The facility constructed using the grant made under paragraph (1) shall be used for conducting the following activities:

(A) The biocontainment facility shall offer the ability to organize multidisciplinary international teams working on basic and applied research on diagnostic method development and disease control strategies, including development of vaccines.

(B) The biocontainment facility shall support research that will improve the scientific basis for regulatory activities, decreasing the need for new regulatory programs and enhancing international trade.

(C) The biocontainment facility shall allow academic institutions, governmental agencies, and the private sector

³⁶¹⁻³ Sec. 361(c) amended sec. 10 of the Act of August 30, 1890 (26 Stat. 417, chapter 839; 21 U.S.C. 105).

³⁶¹⁻⁴ Sec. 361(d)(1) amended sec. 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

³⁶¹⁻⁵ Sec. 361(d)(2) amended the first section of the Act of August 31, 1922 (commonly known as the “Honeybee Act”) (42 Stat. 833, chapter 301; 7 U.S.C. 281).

³⁶¹⁻⁶ Sec. 361(e) amended sec. 17(d) of the Poultry Products Inspection Act (21 U.S.C. 466(d)).

³⁶¹⁻⁷ Sec. 361(f) amended sec. 20(e) of the Federal Meat Inspection Act (21 U.S.C. 620(e)).

to conduct research in basic and applied research biology, epidemiology, pathogenesis, host response, and diagnostic methods, on disease agents that threaten the livestock industries of the United States and Mexico.

(D) The biocontainment facility may be used to support research involving food safety, toxicology, environmental pollutants, radioisotopes, recombinant microorganisms, and selected naturally resistant or transgenic animals.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subsection.

(i) REPORTS ON INSPECTION OF IMPORTED MEAT, POULTRY, OTHER FOODS, ANIMALS, AND PLANTS.—

(1) DEFINITIONS.—As used in this subsection:

(A) IMPORTS.—The term “imports” means any meat, poultry, other food, animal, or plant that is imported into the United States in commercially significant quantities.

(B) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) IN GENERAL.—In consultation with representatives of other appropriate agencies, the Secretary shall prepare an annual report on the impact of the Agreement on the inspection of imports.

(3) CONTENTS OF REPORTS.—The report required under this subsection shall, to the maximum extent practicable, include a description of—

(A) the quantity or, with respect to the Customs Service, the number of shipments, of imports from a NAFTA country that are inspected at the borders of the United States with Canada and Mexico during the prior year;

(B) any change in the level or types of inspections of imports in each NAFTA country during the prior year;

(C) in any case in which the Secretary has determined that the inspection system of another NAFTA country is equivalent to the inspection system of the United States, the reasons supporting the determination of the Secretary;

(D) the incidence of violations of inspection requirements by imports from NAFTA countries during the prior year—

(i) at the borders of the United States with Mexico or Canada; or

(ii) at the last point of inspection in a NAFTA country prior to shipment to the United States if the agency accepts inspection in that country;

(E) the incidence of violations of inspection requirements of imports to the United States from Mexico or Canada prior to the implementation of the Agreement;

(F) any additional cost associated with maintaining an adequate inspection system of imports as a result of the implementation of the Agreement;

(G) any incidence of transshipment of imports—

(i) that originate in a country other than a NAFTA country;

(ii) that are shipped to the United States through a NAFTA country during the prior year; and

(iii) that are incorrectly represented by the importer to qualify for preferential treatment under the Agreement;

(H) the quantity and results of any monitoring by the United States of equivalent inspection systems of imports in other NAFTA countries during the prior year;

(I) the use by other NAFTA countries of sanitary and phytosanitary measures (as defined in the Agreement) to limit exports of United States meat, poultry, other foods, animals, and plants to the countries during the prior year; and

(J) any other information the Secretary determines to be appropriate.

(4) FREQUENCY OF REPORTS.—The Secretary shall submit—

(A) the initial report required under this subsection not later than January 31, 1995; and

(B) an annual report required under this subsection not later than 1 year after the date of the submission of the initial report and the end of each 1-year period thereafter through calendar year 2004.

(5) REPORT TO CONGRESS.—The Secretary shall prepare and submit the report required under this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

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Subtitle G—Government Procurement

SEC. 381. GOVERNMENT PROCUREMENT.

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(d) CONFORMING AMENDMENTS.—³⁸¹⁻¹

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f. Uruguay Round Agreements Act

URUGUAY ROUND AGREEMENTS ACT¹⁻¹

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TITLE IV—AGRICULTURE-RELATED PROVISIONS

Subtitle A—Agriculture

PART I—MARKET ACCESS

SEC. 401. SECTION 22 AMENDMENTS.

(a) AMENDMENT TO SECTION 22.—⁴⁰¹⁻¹

(b) CONFORMING AMENDMENTS.—

³⁸¹⁻¹ Sec. 381(d) amended sec. 401 of the Rural Electrification Act of 1938 (7 U.S.C. 903 note).

¹⁻¹ Pub. L. 103-465, 108 Stat. 4809, Dec. 8, 1994.

⁴⁰¹⁻¹ Sec. 401(a)(1) amended sec. 22(f) of the Agricultural Adjustment Act (7 U.S.C. 624(f)).

(1) SECTION 202 OF THE AGRICULTURAL ACT OF 1956.—⁴⁰¹⁻²

(2) COTTON IMPORT QUOTAS.—⁴⁰¹⁻³

SEC. 402. CHEESE AND CHOCOLATE CRUMB IMPORTS.

(a) REPEAL OF SECTIONS 701 AND 703.—⁴⁰²⁻¹

(b) PRESIDENTIAL ACTION.—⁴⁰²⁻²

(c) TECHNICAL AND CONFORMING AMENDMENTS.—⁴⁰²⁻³

SEC. 403. MEAT IMPORT ACT.⁴⁰³⁻¹

SEC. 404. [19 U.S.C. 3601] ADMINISTRATION OF TARIFF-RATE QUOTAS.

(a) ORDERLY MARKETING.—In implementing the tariff-rate quotas set out in Schedule XX for the entry, or withdrawal from warehouse, for consumption of goods in the United States, the President shall take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

(b) INADEQUATE SUPPLY.—Where imports of an agricultural product are subject to a tariff-rate quota, and where the President determines and proclaims that the supply of the same or directly competitive or substitutable agricultural product will be inadequate, because of a natural disaster, disease, or major national market disruption, to meet domestic demand at reasonable prices, the President may temporarily increase the quantity of imports of the agricultural product that is subject to the in-quota rate of duty established under the tariff-rate quota.

(c) MONITORING.—The Secretary of Agriculture shall monitor the domestic supply of agricultural products subject to a tariff-rate quota as the Secretary considers appropriate and shall advise the President when the domestic supply of the products and substitutable products combined with the estimated imports of the products under the tariff-rate quota may be inadequate to meet domestic demand at reasonable prices.

(d) COVERAGE OF TARIFF-RATE QUOTAS.—

(1) EXCLUSIONS.—The President may, subject to terms and conditions determined appropriate by the President, provide that the entry, or withdrawal from warehouse, for consumption in the United States of an agricultural product shall not be subject to the over-quota rate of duty established under a tariff-rate quota if the agricultural product—

(A) is imported by, or for the account of, any agency of the United States or of any foreign embassy;

(B) is imported as a sample for taking orders, for the personal use of the importer, or for the testing of equipment;

(C) is a commercial sample or is entered for exhibition, display, or sampling at a trade fair or for research; or

(D) is a blended syrup provided for in subheadings 1702.20.28, 1702.30.28, 1702.40.28, 1702.60.28, 1702.90.58, 1806.20.92, 1806.20.93, 1806.90.38, 1806.90.40, 2101.10.38,

⁴⁰¹⁻² Sec. 401(b)(1) amended sec. 202 of the Agricultural Act of 1956 (7 U.S.C. 1852).

⁴⁰¹⁻³ Sec. 401(b)(2) amended sec. 103B of the Agricultural Act of 1949 (7 U.S.C. 1444-2).

⁴⁰²⁻¹ Sec. 402(a) repealed secs. 701 and 703 of the Trade Agreements Act of 1979 (93 Stat. 268).

⁴⁰²⁻² Sec. 402(b) amended sec. 702(d)(1) of the Trade Agreements Act of 1979 (93 Stat. 268).

⁴⁰²⁻³ Sec. 402(c) amended sec. 702 of the Trade Agreements Act of 1979.

⁴⁰³⁻¹ Sec. 403 repealed the Meat Import Act of 1979 (19 U.S.C. 2253 note).

2101.20.38, 2106.90.38, or 2106.90.67 of Schedule XX, if entered from a foreign trade zone by a foreign trade zone user whose facilities were in operation on June 1, 1990, to the extent that the annual quantity entered into the customs territory from such zone does not contain a quantity of sugar of nondomestic origin greater than the quantity authorized by the Foreign Trade Zones Board for processing in that zone during calendar year 1985.

(2) RECLASSIFICATION.—Subject to the consultation and lay-over requirements of section 115, the President may proclaim a modification to the coverage of a tariff-rate quota for any agricultural product if the President determines the modification is necessary or appropriate to conform the tariff-rate quota to Schedule XX as a result of a reclassification of any item by the Secretary of the Treasury.

(3) ALLOCATION.—The President may allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas and may modify any allocation as determined appropriate by the President.

(4) BILATERAL AGREEMENT.—The President may proclaim an increase in the tariff-rate quota for beef if the President determines that an increase is necessary to implement—

(A) the March 24, 1994, agreement between the United States and Argentina; or

(B) the March 9, 1994, agreement between the United States and Uruguay.

(5) CONTINUATION OF SUGAR HEADNOTE.—The President is authorized to proclaim additional United States note 3 to chapter 17 of the HTS, and to proclaim the modifications to the note, as determined appropriate by the President to reflect Schedule XX.

(e) CONFORMING AMENDMENTS.—

(1) SECTION 213 OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—⁴⁰⁴⁻¹

(2) SECTION 204 OF THE ANDEAN TRADE PREFERENCE ACT.—⁴⁰⁴⁻²

(3) GSP.—⁴⁰⁴⁻³

(4) GENERAL NOTE 3(a) TO THE HTS.—⁴⁰⁴⁻⁴

(5) DUTY DRAWBACK.—⁴⁰⁴⁻⁵

(6) RESTRICTIONS ON IMPORTED PEANUTS.—⁴⁰⁴⁻⁶

SEC. 405. [19 U.S.C. 3602] SPECIAL AGRICULTURAL SAFEGUARD AUTHORITY.

(a) DETERMINATION OF TRIGGER LEVELS.—Consistent with Article 5 as determined by the President, the President shall cause to be published in the Federal Register—

(1) the list of special safeguard agricultural goods not later than the date of entry into force of the WTO Agreement with respect to the United States; and

(2) for each special safeguard agricultural good—

⁴⁰⁴⁻¹ Sec. 404(e)(1) amended sec. 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d)).

⁴⁰⁴⁻² Sec. 404(e)(2) added sec. 204(g) of the Andean Trade Preference Act (19 U.S.C. 3203(g)).

⁴⁰⁴⁻³ Sec. 404(e)(3) added sec. 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)).

⁴⁰⁴⁻⁴ Sec. 404(e)(4) added General Note 3(a)(iv)(F) to the HTS.

⁴⁰⁴⁻⁵ Sec. 404(e)(5) added sec. 313(w) of the Tariff Act of 1930 (19 U.S.C. 1313(w)).

⁴⁰⁴⁻⁶ Sec. 404(e)(6) amended sec. 358e(f)(6) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(f)(6)).

(A) the trigger level specified in subparagraph 1(a) of Article 5, on an annual basis;

(B) the trigger price specified in subparagraph 1(b) of Article 5; and

(C) the relevant period.

(b) DETERMINATION OF SAFEGUARD.—If the President determines with respect to a special safeguard agricultural good that it is appropriate to impose—

(1) the price-based safeguard in accordance with subparagraph 1(b)⁴⁰⁵⁻¹ of Article 5; or

(2) the volume-based safeguard in accordance with subparagraph 1(a)⁴⁰⁵⁻² of Article 5,

the President shall, consistent with Article 5 as determined by the President, determine the amount of the duty to be imposed, the period such duty shall be in effect, and any other terms and conditions applicable to the duty.

(c) IMPOSITION OF SAFEGUARD.—The President shall direct the Secretary of the Treasury to impose a duty on a special safeguard agricultural good entered, or withdrawn from warehouse, for consumption in the United States in accordance with a determination made under subsection (b).

(d) NO SIMULTANEOUS SAFEGUARD.—A duty may not be in effect for a special safeguard agricultural good pursuant to this section during any period in which such good is the subject of any action proclaimed pursuant to section 202 or 203 of the Trade Act of 1974 (19 U.S.C. 2252 or 2253).

(e) EXCLUSION OF NAFTA COUNTRIES.—The President may exempt from any duty imposed under this section any good originating in a NAFTA country (as determined in accordance with section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332)).

(f) ADVICE OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall advise the President on the implementation of this section.

(g) TERMINATION DATE.—This section shall cease to be effective on the date, as determined by the President, that the special safeguard provisions of Article 5 are no longer in force with respect to the United States.

(h) DEFINITIONS.—For purposes of this section—

(1) the term “Article 5” means Article 5 of the Agreement on Agriculture described in section 101(d)(2);

(2) the term “relevant period” means the period determined by the President to be applicable to a special safeguard agricultural good for purposes of applying this section; and

(3) the term “special safeguard agricultural good” means an agricultural good on which an additional duty may be imposed pursuant to the special safeguard provisions of Article 5.

PART II—EXPORTS

SEC. 411. [19 U.S.C. 3611] EXPORT PROGRAMS.

(a) EXPORT ENHANCEMENT PROGRAM.—⁴¹¹⁻¹

⁴⁰⁵⁻¹ Sec. 11(1) of Pub. L. 104-295, 110 Stat. 3520, Oct. 11, 1996, amended para. (1) by striking “1(a)” and inserting “1(b)”.

⁴⁰⁵⁻² Sec. 11(2) of Pub. L. 104-295, 110 Stat. 3520, Oct. 11, 1996, amended para. (2) by striking “1(b)” and inserting “1(a)”.

⁴¹¹⁻¹ Sec. 411(a) amended sec. 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651).

- (b) DAIRY EXPORT INCENTIVE PROGRAM.—⁴¹¹⁻²
- (c) EXPORT SALES OF DAIRY PRODUCTS.—⁴¹¹⁻³
- (d) MARKET PROMOTION PROGRAM.—⁴¹¹⁻⁴
- [(e) FOOD AID.—⁴¹¹⁻⁵]

SEC. 412. OTHER CONFORMING AMENDMENTS.

- (a) PUBLIC LAW 98-332.—⁴¹²⁻¹
- (b) AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 1984.—⁴¹²⁻²
- (c) AGRICULTURAL ACT OF 1956.—⁴¹²⁻³

PART III—OTHER PROVISIONS**SEC. 421. [19 U.S.C. 2135 note] AUTHORITY FOR CERTAIN ACTIONS UNDER ARTICLE XXVIII.**

(a) IN GENERAL.—In the application of section 125(c) of the Trade Act of 1974 (19 U.S.C. 2135) with respect to any item provided for in subheadings 2401.10.60, 2401.20.30, 2401.20.80, 2401.30.30, 2401.30.60, 2401.30.90, 2403.10.00, 2403.91.40, or 2403.99.00 of the HTS, “350” shall be substituted for “20” where it appears in such section.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 422. TOBACCO IMPORTS.

- (a) DOMESTIC MARKETING ASSESSMENT.—⁴²²⁻¹
- (b) BUDGET DEFICIT ASSESSMENT.—⁴²²⁻²
- (c) WAIVER AUTHORITY.—[7 U.S.C. 1445 note] The President may waive the application to imported tobacco of section 106(g), 106A, or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445(g), 1445-1, or 1445-2) or the amendment made in subsection (c) of section 1106 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 323) if the President determines that the waiver is necessary or appropriate pursuant to an international agreement entered into by the United States.

(d) DUTY DRAWBACK.—⁴²²⁻³

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective beginning on the effective date of the Presidential proclamation, authorized under section 421, establishing a tariff-rate quota pursuant to Article XXVIII of the GATT 1947 or the GATT 1994 with respect to tobacco.

SEC. 423. [19 U.S.C. 3621] TOBACCO PROCLAMATION AUTHORITY.

(a) IN GENERAL.—The President, after consultation with the Committee on Ways and Means of the House of Representatives and with the Committee on Finance of the Senate, may proclaim

⁴¹¹⁻² Sec. 411(b) amended sec. 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)).

⁴¹¹⁻³ Sec. 411(c) amended sec. 1163(a) of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note).

⁴¹¹⁻⁴ Sec. 411(d) amended sec. 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

⁴¹¹⁻⁵ Sec. 201(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 951, April 4, 1996, struck subsec. (e).

⁴¹²⁻¹ Sec. 412(a) repealed sec. 106 of Public Law 98-332 (98 Stat. 287).

⁴¹²⁻² Sec. 412(b) repealed sec. 625(A) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1984, as given the force of law by section 101(d) of Public Law 98-151 (97 Stat. 1853).

⁴¹²⁻³ Sec. 412(c) repealed sec. 203 of the Agriculture Act of 1956 (7 U.S.C. 1853).

⁴²²⁻¹ Sec. 422(a) added sec. 320C(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314i(g)).

⁴²²⁻² Sec. 422(b) amended sec. 106 of the Agricultural Act of 1949 (7 U.S.C. 1445).

⁴²²⁻³ Sec. 422(d) amended sec. 313(w) of the Tariff Act of 1930 (19 U.S.C. 1313(w)).

the reduction or elimination of any duty with respect to cigar binder and filler tobacco, wrapper tobacco, or oriental tobacco set forth in Schedule XX.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act.

[SEC. 424.⁴²⁴⁻¹ [19 U.S.C. 3622]]

SEC. 425. [19 U.S.C. 3623] STUDY OF MILK MARKETING ORDER SYSTEM.

The Secretary of Agriculture shall conduct a study to determine the effects of the Uruguay Round Agreements on the Federal milk marketing order system. Not later than 6 months after the date of entry into force of the WTO Agreement with respect to the United States, the Secretary of Agriculture shall report to the Congress on the results of the study.

SEC. 426. [19 U.S.C. 3624] ADDITIONAL PROGRAM FUNDING.

(a) **USE OF ADDITIONAL FUNDS.**—Consistent, as determined by the President, with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, the Commodity Credit Corporation shall use, in addition to any other funds appropriated or made available for such purposes, any funds made available under subsection (b) for authorized export promotion, foreign market development, export credit financing, and promoting the development, commercialization, and marketing of products resulting from alternative uses of agricultural commodities.

(b) **AMOUNT OF ADDITIONAL FUNDS.**—Amounts shall be credited to the Commodity Credit Corporation in fiscal year 1995 equal to the lesser of the dollar amount of—

(1) the fiscal year 1995 Pay-As-You-Go savings; and

(2) the 5-year Pay-As-You-Go savings;

under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, resulting from the enactment of the Federal Crop Insurance Reform Act of 1994.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this section.

Subtitle B—Sanitary and Phytosanitary Measures

SEC. 431. SANITARY AND PHYTOSANITARY MEASURES.

(a) **TRADE AGREEMENTS ACT OF 1979.**—⁴³¹⁻¹

(b) **RAILWAY CAR INSPECTION.**—⁴³¹⁻²

(c) **FEDERAL PLANT PEST ACT.**—⁴³¹⁻³

(d) **PLANT QUARANTINE ACT.**—⁴³¹⁻⁴

(e) **HONEYBEE IMPORTATION.**—⁴³¹⁻⁵

⁴²⁴⁻¹ Sec. 424 was repealed by sec. 1401(c) of Pub. L. 105-362, 112 Stat. 3294, Nov. 10, 1998.

⁴³¹⁻¹ Sec. 431(a) added sec. 414(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(c)).

⁴³¹⁻² Sec. 431(b) amended subsec. (a) of the Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).

⁴³¹⁻³ Sec. 431(c) amended the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

⁴³¹⁻⁴ Sec. 431(d) amended the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the “Plant Quarantine Act”).

⁴³¹⁻⁵ Sec. 431(e) amended the first section of the Act of August 31, 1922 (42 Stat. 833, chapter 301; 7 U.S.C. 281) (commonly known as the “Honeybee Act”).

- (f) FEDERAL NOXIOUS WEED ACT OF 1974.—⁴³¹⁻⁶
- (g) TARIFF ACT OF 1930.—⁴³¹⁻⁷
- (h) IMPORTATION OF ANIMALS.—⁴³¹⁻⁸
- (i) INSPECTION OF ANIMALS.—⁴³¹⁻⁹
- (j) INTERNATIONAL ANIMAL QUARANTINE STATION.—⁴³¹⁻¹⁰
- (k) POULTRY PRODUCTS INSPECTION ACT.—⁴³¹⁻¹¹
- (l) FEDERAL MEAT INSPECTION ACT.—⁴³¹⁻¹²

SEC. 432. INTERNATIONAL STANDARD-SETTING ACTIVITIES. ⁴³²⁻¹

Subtitle C—Standards

SEC. 441. THE FEDERAL SEED ACT. ⁴⁴¹⁻¹

Subtitle D—General Effective Date

SEC. 451. [19 U.S.C. 3601 note] GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title, and the amendments made by this title, shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

* * * * *

SUBPART B. EXPORT CONTROLS

1. EXPORT SALES REPORTING

See also section 602 of the Agricultural Trade Act of 1978, Export Reporting and Contract Security, printed in section 1 of part II of this compilation.

AGRICULTURAL ACT OF 1970⁸¹²⁻¹

[SEC. 812.⁸¹²⁻² [7 U.S.C. 612c-3]]

⁴³¹⁻⁶ Sec. 431(f) amended sec. 4 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2803).

⁴³¹⁻⁷ Sec. 431(g) amended sec. 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)).

⁴³¹⁻⁸ Sec. 431(h) amended sec. 6 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 104).

⁴³¹⁻⁹ Sec. 431(i) amended sec. 10 of the Act of August 30, 1890 (26 Stat. 417, chapter 839; 21 U.S.C. 105).

⁴³¹⁻¹⁰ Sec. 431(j) amended the first sec. of Public Law 91-239 (21 U.S.C. 135).

⁴³¹⁻¹¹ Sec. 431(k) amended sec. 17(d) of the Poultry Products Inspection Act (21 U.S.C. 466(d)).

⁴³¹⁻¹² Sec. 431(l) amended sec. 20(e) of the Federal Meat Inspection Act (21 U.S.C. 620(e)).

⁴³²⁻¹ Sec. 432 added subtitle F of title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2578 et seq.).

⁴⁴¹⁻¹ Sec. 441 amended the Federal Seed Act (7 U.S.C. 1551 et seq.).

⁸¹²⁻¹ Pub. L. 91-524, 84 Stat. 1358, Nov. 30, 1970. Note: That this provision was repealed by § 1578 of Pub. L. 101-624, 104 Stat. 3702. Effective upon effective date of regulations under § 404 of the Act. However, identical provisions exist (with only technical differences) in section 602 of the Agricultural Trade Act of 1978.

⁸¹²⁻² See note 812-1.

2. EXPORT STANDARDS FOR GRAPES AND PLUMS

ACT OF SEPTEMBER 2, 1960

(Public Law 86-687, 86th Congress, S. 1857, September 2, 1960)

AN ACT To promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [7 U.S.C. 591] That it shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this Act, any grapes or plums of any variety in packages which are not accompanied by a certificate issued under authority of the Secretary showing that such grapes or plums are of a Federal or State grade which meets the minimum of quality established for such variety and destination by the Secretary for shipment in export to such destination. The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grades, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this Act.

SEC. 2. [7 U.S.C. 592] The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this Act: *Provided*, That any grapes or plums may be certified and shipped for export in fulfillment of any contract made within two months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made.

SEC. 3. [7 U.S.C. 593] Where the government of the country to which the shipment is to be made has standards or requirements as to condition of grapes and plums the Secretary may in addition to inspection and certification for compliance with the standards established or designated hereunder inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases.

SEC. 4. [7 U.S.C. 594] The Secretary may, by regulation, exempt from compliance with the provisions of this Act (1) any variety or varieties of grapes and plums, and (2) the shipment of such minimum quantities of grapes and plums to any foreign country as he may prescribe.

SEC. 5. [7 U.S.C. 595] For inspecting and certifying the grade, quality, or condition of grapes or plums the Secretary shall cause to be collected a reasonable fee which shall, as nearly as may be, cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this Act cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in

such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

SEC. 6. [7 U.S.C. 596] After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding ninety days to any person who ships or offers for shipment any grapes or plums in foreign commerce in violation of any of the provisions of this Act. Any person or any common carrier or any transportation agency violating any of the provisions of this Act shall be fined not less than \$100 nor more than \$10,000 by a court of competent jurisdiction.

SEC. 7. [7 U.S.C. 597] The Secretary may make such rules, regulations, and orders, and require such reports, as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except insofar as they are inconsistent herewith or repugnant hereto.

SEC. 8. [7 U.S.C. 598] If any provision of the Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 9. [7 U.S.C. 599] That when used in this Act—

(1) The term “person” includes individuals, partnerships, corporations, and associations.

(2) The term “Secretary” means the Secretary of Agriculture.

(3) Except as provided herein, the term “foreign commerce” means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions.

(4) The term “grapes” means vinifera species table grapes, European type, whether or not they have been in storage.

(5) The term “plums” means both European and Japanese type, whether or not they have been in storage, but does not mean Italian-type prunes, nor damson-type plums.

SUBPART C. EMBARGO PROTECTION

See also section 411 of the Agricultural Trade Act of 1978, printed in section 1 of part II of this compilation.

1. AMERICAN AGRICULTURE PROTECTION PROGRAM

FOOD AND AGRICULTURE ACT OF 1977¹⁰⁰²⁻¹

SEC. 1002.¹⁰⁰²⁻² [7 U.S.C. 1310] (a) Notwithstanding any other provision of law, whenever the President or any other member of the executive branch of the Federal Government causes to be suspended, based upon a determination of short supply, the commercial export sales of any commodity, as defined in subsection (c) of this section, to any country or area with which the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the day the suspension is initiated, set the loan level for such commodity under the Agricultural Act of 1949, as amended, if a loan program is in effect for the commodity, at 90 per centum of the parity price for the commodity, as such parity price is determined on the day the suspension is initiated.

(b) Any loan level established pursuant to subsection (a) of this section shall remain in effect as long as the suspension of commercial export sales described in subsection (a) remains in effect.

(c) For purposes of this section, the term "commodity" shall include any of the following: wheat, corn, grain sorghum, soybeans, oats, rye, barley, rice, flaxseed, and cotton.

2. TRADE SUSPENSION RESERVES

AGRICULTURE TRADE SUSPENSION ADJUSTMENT ACT OF 1980²⁰⁸⁻¹

SEC. 208. [7 U.S.C. 4001] Notwithstanding any other provisions of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that

¹⁰⁰²⁻¹ Pub. L. 95-113, Stat. 917, Sept. 29, 1977.

¹⁰⁰²⁻² 91 Stat. 950.

²⁰⁸⁻¹ The Agriculture Trade Suspension Adjustment Act of 1980 was enacted as Title II of the Agriculture Act of 1980, Pub. L. 96-494, 94 Stat. 2570, Dec. 3, 1980.

portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A)²⁰⁸⁻² for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That for wheat and feed grains, if the fuel conversion price²⁰⁸⁻³ for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B)²⁰⁸⁻⁴ for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 110 per centum of the then current price level at which the Secretary may encourage repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of

²⁰⁸⁻² Subsection (c)(2)(A) was amended by section 1004 of the Agriculture and Food Act of 1981, Pub. L. 97-98, 95 Stat. 1260, Dec. 22, 1980, by substituting the word “third” for “second”.

²⁰⁸⁻³ Section 212 of the Agricultural Act of 1980, Pub. L. 96-494, 94 Stat. 2570, Dec. 3, 1980, provides as follows: “section 212. As used in this title, the phrase “fuel conversion price” means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.”

²⁰⁸⁻⁴ Clause (i) of subsection (c)(2)(B) was amended to read as it appears in the text by section 1004 of the Agriculture and Food Act of 1981, Pub. L. 97-98, 95 Stat. 1260, Dec. 22, 1981. For the previous version of clause (i), see p. 25-9 of Agriculture Handbook No. 476, as of Jan. 1, 1981.

section 110(b) of the Agricultural Act of 1949, or (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2)²⁰⁸⁻⁵ **APPLICABILITY OF CERTAIN PROVISIONS.**—Subsections (c), (d), (e), and (f)(2) of section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.)²⁰⁸⁻⁶ shall apply to commodities in any reserve established under paragraph (1), except that the references to “eligible commodities” in the subsections shall be deemed to be references to “agricultural commodities”.

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, and provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

²⁰⁸⁻⁵ Sec. 225(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 962, April 4, 1996, amended para. (2) in its entirety. For the text of former para. (2), see p. 10-31 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

²⁰⁸⁻⁶ Sec. 212(b)(4) of the Bill Emerson Humanitarian Trust Act of 1998, P.L. 105-385, 112 Stat. 3467, Nov. 13, 1998, para. (2) by striking “Food Security Commodity Reserve Act of 1996” and inserting “Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.)”.